

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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Restaurant Liquor License Summary

*Note: This is general information only and should not be considered conclusive.
For further detail, please consult Title 32A of the Utah Code and the Rules of the Commission.*

A restaurant liquor license allows the storage, sale, service, and consumption of all types of alcoholic beverages on the premises of the restaurant. Licenses run from November 1 to October 31. Effective November 1, 2003, the total number of licenses allowed by law is one per 5200 people in the state.

Food Service Requirements

- Patrons may only purchase alcoholic beverages in connection with an order for food which is prepared, sold and served at the restaurant.
- Each restaurant shall maintain at least 70% of its total restaurant business from the sale of food.

Sale and Service of Alcoholic Beverages

(1) Liquor Sales

- (a) The primary liquor in a mixed drink may be dispensed from any size bottle, but only in quantities **not to exceed** 1.5 ounces through a department approved calibrated metered dispensing system or device. The restaurant must post a list of types and brands of liquor dispensed through the dispensing system.
- (b) Liquor used as a secondary flavoring need not be dispensed through the dispensing system. Liquor stored and used as flavorings must be clearly labeled "flavoring".
- (c) The total amount of spirituous liquor in a beverage (including both the primary liquor and any secondary flavorings) may not exceed 2.5 ounces of spirituous liquor.

(2) Wine Sales

- (a) Wine may be sold and served by the bottle or container in sizes not exceeding 1.5 liters to tables of four or more. For tables of less than four, the size can not be larger than 750 ml.
- (b) Wine may be served by the glass or individual portion in quantities not exceeding 5 ounces. An individual portion (i.e. flights) may be served to a patron in more than one glass as long as the total amount of wine in the individual portion does not exceed 5 ounces.
- (c) Wine may be poured by the glass from any size bottle or container and need not be dispensed through a dispensing device.
- (d) A patron who has purchased bottled wine may serve themselves or others at the table.
- (e) Unfinished wine may be removed from a restaurant by a patron if the bottle is recorked or recapped.

(3) Heavy Beer Sales: Heavy beer may be served in original containers not exceeding one liter.

(4) Flavored Malt Beverage Sales: Flavored malt beverages may be served in original containers not exceeding one liter.

(5) Beer Sales: Beer may be served in any size container not exceeding 2 liters and on draft. Beer may be sold by the pitcher (up to two liters) to two or more patrons, but may be sold to an individual patron only in a container that does not exceed one liter. Beer may be sold to go in sealed containers to patrons who have dined in the restaurant.

Limitation on Total Number of Drinks

- Each restaurant patron may have no more than one spirituous liquor drink before the patron at a time (i.e. no "sidecars").
- Other than spirituous liquor drinks, each restaurant patron may have no more than two alcoholic beverages of any kind at a time before the patron.

Discounting Practices Prohibited

- Liquor may not be sold at a discount at any time.
- Other discounting practices are prohibited that encourage over-consumption of alcohol (i.e. "happy hours", "two for ones", "all you can drink for a set price", free alcohol, or selling at less than cost).
- A restaurant licensee or employee may not purchase an alcoholic beverage for a patron.

Service to the Table

- Alcoholic beverages shall be delivered by a server to the patron.
- Any alcoholic beverage may only be consumed at the patron's table or counter.
- Alcoholic beverages may not be served to or consumed by a patron at a "bar" which is defined as a counter or similar structure where alcoholic beverages are stored, dispensed, or served.
- Each server must keep a written beverage tab for each table or group that orders or consumes alcoholic beverages on the premises.

Consumption on the Premises

- An open container primarily used for drinking purposes and containing an alcoholic beverage, may not be removed from the restaurant premises.

"Brown Bagging"

- Patrons may not bring in or store alcoholic beverages on the premises, however at the licensee's discretion a patron may bring in bottled wine for consumption on the premises.
- Wine brought in must be immediately delivered to a server or an employee of the restaurant.
- A wine service may then be performed, and patrons may serve themselves or others at the table.

Advertising

- Alcoholic beverages may be listed on the food menu or an alcoholic beverage menu.
- Alcoholic beverage menus such as wine lists may be located on the patron's table.
- Servers may ask a patron if they would like an alcoholic beverage.
- Signs advertising the availability of alcoholic beverages may be displayed both inside and outside the restaurant.
- Restaurant advertising in newspapers, magazines, phone book yellow pages, other print media, and on radio, television and billboards may reference the availability of alcoholic beverages.
- Alcohol advertising by the restaurant must comply with the guidelines in Rule R81-1-17.
- Alcoholic beverages *may* be stored where they are visible to patrons.

Sales Hours

- Liquor, wine, and heavy beer may be sold on any day from noon until midnight.
- The liquor storage area must remain locked at times when liquor sales are not permitted.
- The hours of beer sales are from 10 a.m. to 1 a.m.
- Consumption hours are set by local governing authority (city, county, town) and may vary from legal selling hours.

Employees

- Any employee handling alcoholic beverages must be twenty one years of age or older.
- Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.
- Managers, supervisors, and employees who serve alcohol must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

Employee Fines

- The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.

Minors

- Minors may be employed by a restaurant, but may not sell or dispense alcoholic beverages.
- Minors may work at a cash register to ring up the sale of alcoholic beverages.

Warning Sign

- Each restaurant licensee shall display, in a prominent place, a sign in at least half inch bold letters stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."

Bad Checks

- The DABC may immediately suspend the license if it receives a bad check as payment for liquor, licensing or bond fees, fines and costs for violations, etc.

Prohibited Conduct

- Lewd acts, attire, and sexually oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.

Gambling

- Restaurants may not engage in or permit any form of gambling on its premises.